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PTO/SB/64/PCT (10-05)

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PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) APL-03-06-PCT
First Named Inventor: <i>Tim Lee</i> International (PCT) Application No.: <i>PCT/CA04/02024</i> Filed: <i>11/30/2004</i> Title: <i>PRODUCTION OF DIPHTHERIA TOXIN</i> U.S. Application No.: <i>10/582,576</i> (if known)		
Attention: PCT Legal Staff Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h). APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee (2) Proper reply (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and (4) Statement that the entire delay was unintentional. 1. Petition fee <input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Other than small entity - fee \$ <i>1500</i> (37 CFR 1.17(m)) 2. Proper reply A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of <u><i>payment of full U.S. basic National Fee</i></u> (identify type of reply): <input type="checkbox"/> has been filed previously on _____ <input checked="" type="checkbox"/> is enclosed herewith.		

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1500.00 OP

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Date

Typed or Printed Name

Registration Number, if applicable

Address

Telephone Number

Enclosures: ☐ Response☒ Fee Payment (PTO-2038)☐ Terminal Disclaimer☒ Other (please identify):

Transmittal Letter

Copy of Notice dated 03/09/2007

FROM :

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U.S. APPLICATION NUMBER NO. 10/582,576	FIRST NAMED APPLICANT Tim Lee	ATTY. DOCKET NO. APL0306PCT
INTERNATIONAL APPLICATION NO. PCT/CA04/02024		
I.A. FILING DATE 11/30/2004		PRIORITY DATE 12/12/2003

Patrick J. Halloran, Ph.D
3141 Muirfield Rd.
Center Valley, PA 18034

CONFIRMATION NO. 1713

371
ABANDONMENT/TERMINATION
LETTER

OC000000022828789

Date Mailed: 03/09/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

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PTO/SB/21 (09-06)


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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	PCT/CA04/02024 (U.S. Ser. No. 10/582,576)	
	Filing Date	11/30/2004	
	First Named Inventor	Tim Lee	
	Art Unit	TBD	
	Examiner Name	TBD	
Total Number of Pages in This Submission	5	Attorney Docket Number	APL-03-06-PCT

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): See Remarks
Remarks Submitted via facsimile to 571-273-8300 Attachments: 1) Petition to Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. 1.137(b); 2) Copy of Notice of Abandonment dated 03/09/2007; and, 3) PTO-2038		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Patrick J. Halloran, Ph.D., J.D.		
Signature			
Printed name	Patrick J. Halloran		
Date	03/16/2007	Reg. No.	41,053

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Patrick J. Halloran
Date	03/16/2007

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